



10/22/08

11/22/08
RCE**REQUEST FOR CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Address to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Application No. 10/691,753
Filing Date October 22, 2003
First Named Inventor Scot Cuthbertson
Art Unit 2623
Examiner Name Nguyen Ba, Hoang Vu A.
Attorney Docket No. 42P23888

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114** – Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other _____
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by C.F.R. § 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-2666
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e) 10/22/2008 LANGUYEN2 00000042 10691753
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) 01 10/21/08 810.00 OP
- iii. ☐ Processing fee under 37 CFR § 1.17(i) for Limited Suspension of Action
- iv. ☐ Other _____
- b. ☒ Check in the amount of \$ 810.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)
- WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type) Lester J. Vincent Registration No. (Attorney/Agent) 31,460
Signature [Signature] Date October 20, 2008

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print/Type) Alma Goldchain
Signature [Signature] Date October 20, 2008

Express Mail No. (only if applicable): EV 568649716 US

**FEE TRANSMITTAL FOR FY 2009**

(Effective on 10/02/2008. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)

TOTAL AMOUNT OF PAYMENT (\$) \$810.00

Complete if Known:

Application No. 10/691,753
Filing Date October 22, 2003
First Named Inventor Scot Cuthbertson
Examiner Name Nguyen Ba, Hoang Vu A.
Art Unit 2623
Attorney Docket No. 42P23888

Applicant claims small entity status. See 37 CFR 1.27.

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify)☐ Deposit AccountDeposit Account Number : 02-2666

Deposit Account Name: _____

☒ The Director is Authorized to do the following with respect to the above-identified Deposit Account:☒ Charge fee(s) indicated below.☒ Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.☐ Charge fee(s) indicated below except for the filing fee☒ Credit any overpayments.☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

Warning: Information on this form may become public. Credit card information should not be included on this form.
Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Large Entity		Small Entity		Fee Description		Fees Paid (\$)
Fee Code	Fee (\$)	Fee Code	Fee (\$)			
1011	330	2011	165	Utility application filing fee	1,090/545	_____
1111	540	2111	270	Utility search fee		_____
1311	220	2311	110	Utility examination fee		_____
1012	220	2012	110	Design application filing fee	460/230	_____
1112	100	2112	50	Design search fee		_____
1312	140	2312	70	Design examination fee		_____
1013	220	2013	110	Plant filing fee	720/360	_____
1113	330	2113	165	Plant search fee		_____
1313	170	2313	85	Plant examination fee		_____
1014	330	2014	165	Reissue filing fee	1,520/760	_____
1114	540	2114	270	Reissue search fee		_____
1314	650	2314	325	Reissue examination fee		_____
1005	220	2005	110	Provisional application filing fee		_____
SUBTOTAL (1)						<u>\$0.00</u>

2. EXCESS CLAIM FEES**Fee Description****Large Entity Small Entity****Fee Fee Fee Fee****Code (\$) Code (\$) Fee Description**

1202 52 2202 26 Each claim over 20

1201 220 2201 110 Each independent claim over 3

1203 390 2203 195 Multiple dependent claims, if not paid

1204 220 2204 110 Reissue: each claim over 20 and more than in the original patent

1205 52 2205 26 Reissue: each independent claim more than in the original patent

	<u>Extra Claims</u>	<u>Fee</u>	<u>Fees Paid (\$)</u>
Total Claims <u>14</u> - 20 or HP = <u>0</u>		X \$ 52.00	= \$0.00
HP = highest number of total claims paid for, if greater than 20			
Independent Claims <u>1</u> - 3 or HP = <u>0</u>		X \$220.00	= \$0.00
HP = highest number of independent claims paid for, if greater than 3			
Multiple Dependent Claims			=
		SUBTOTAL (2)	\$ 0.00

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 C.F.R. 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee from below</u>	<u>Fees paid (\$)</u>
<u> </u>	- 100 = <u> </u>	/ 50 = <u> </u> (round up to whole number)	X \$270.00	<u> </u>

Large Entity Small Entity**Fee Fee Fee Fee****Code (\$) Code (\$) Fee Description: Application size fee for each additional group of 50 sheets****beyond initial 100 sheets (count spec & drawings except sequences & program listings):**

1081 270 2081 135 Utility

1082 270 2082 135 Design

1083 270 2083 135 Plant

1084 270 2084 135 Reissue

1085.....270 2085 135 Provisional

SUBTOTAL (3) \$ 0.00

FEE CALCULATION (continued)**4. OTHER FEE(S)**

				Fees Paid (\$)	
Non-English Specification, \$130 fee (no small entity discount)					
Large Entity		Small Entity			
Fee	Fee	Fee	Fee		
Code	(\$)	Code	(\$)	Fee Description	
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1813	8,800	1813	8,800	Request for inter parties reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	130	2251	65	Extension for reply within first month	
1252	490	2252	245	Extension for reply within second month	
1253	1,110	2253	555	Extension for reply within third month	
1254	1,730	2254	865	Extension for reply within fourth month	
1255	2,350	2255	1,175	Extension for reply within fifth month	
1401	540	2401	270	Notice of Appeal	
1402	540	2402	270	Filing a brief in support of an appeal	
1403	1,080	2403	540	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	540	2452	270	Petition to revive - unavoidable	
1453	1,620	2453	810	Petition to revive - unintentional	
1501	1,510	2501	755	Utility issue fee (or reissue)	
1502	860	2502	430	Design issue fee	
1503	1,190	2503	595	Plant issue fee	
1462	400	1462	400	Petitions to the Commissioner (CFR 1.17(f) Group I)	
1463	200	1463	200	Petitions to the Commissioner (CFR 1.17(g) Group II)	
1464	130	1464	130	Petitions to the Commissioner (CFR 1.17(h) Group III)	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	810	2809	405	For filing a submission after final rejection (see 37 CFR 1.129(a))	
1814	140	2814	70	Statutory Disclaimer	
1810	810	2810	405	For each additional invention to be examined (see 37 CFR 1.129(b))	
1801	810	2801	405	Request for Continued Examination (RCE)	\$810.00
1802	900	1802	900	Request for expedited examination of a design application	
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	
1505	300	1505	300	Publication fee for republication	
1803	130	1803	130	Request for voluntary publication or republication	
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	
1454	1,410	1454	1,410	Acceptance of unintentionally delayed claim for priority	
Other fee (specify) _____					
Other fee (specify) _____					
				SUBTOTAL (4)	\$ 810.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:Typed or Printed Name: Lester J. VincentSignature: Date: October 10, 2008Reg. Number: 31,460Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450